

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 14408 291347Z

42

ACTION NEA-10

INFO OCT-01 ISO-00 NEAE-00 INRE-00 SSO-00 NSCE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 DHA-02 AID-05 IO-13 ACDA-07

OMB-01 EB-07 MC-02 /088 W

----- 048561

O 291259Z SEP 76

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 8677

C O N F I D E N T I A L NEW DELHI 14408

E.O. 11652: GDS

TAGS: SHUM, MASS, IN

SUBJ: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORAMTION

REF: STATE 240807

1. EMBASSY CONCURS IN DRAFT HUMAN RIGHTS REPORT CONTAINED
PARAS 4 -14 REFTEL WITH FOLLOWING EMENDATIONS:

2. PARA 5: IN SECOND SENTANCE, DELETE "HEAVY CENSORSHIP" AND
SUBSTITUTE "GUIDELINES FOR PERMISSIBLE PUBLICATION AND INTER-
MITTENT PRECENSORSHIP"; IN SAME SENTANCE, SUBSTITUTE FOLLOWING
ON JUDICIARY: "INDICATIONS ARE THAT INDIA'S INDEPENDENT
JUDICIARY WILL BE CIRCUMSCRIBEDIN THEKASES IT MAY ACCEPT AND
ITS MANDATE FOR PROVIDING REDRESS BY WRIT OR INJUNCTION."
DELETE LAST SENTENCE IN PARA.

3. PARA 8: LAST SENTENCE IN SECTION DEALING WITH ARTICLE 5,
ADD AFTER "... IS AN OFFICIALLY SANCTIONED PRACTICE" THE
FOLLWOING CLAUSE: "BUT ALSO HAVE NO INDICATION OF WHAT SPECIFIC
ACTION THE GOVERNMENT HAS TAKEN IN RESPONSE TO ACCUSATIONS OF
OF TORTURE IN PARTICULAR CASES." IN SECTION DELAING WITH
ARTICLE 8, ADD AFTER "... HAVE ACCESS TO THE COURTS", THE
FOLLOWING CLAUSE: "OR, IN THE CASE OF GRIEVANCES FOR WORKERS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NEW DE 14408 291347Z

AND CIVIL SERVANTS RELATED TO THEIR TERMS OF EMPLOYMENT,

ADMINISTRATIVE TRIBUNALS".

4. PARA 8: IN SECTION DEALING WITH ARTICLE 9, SUGGEST DROPPING ADJECTIVE "ALLEGED" BEFORE "ECONOMIC OFFENDERS" AND ADVERB "LOOSELY" BEFORE "TERMED 'BAD CHARACTERS'". IN NEXT SENTANCE, ADD THIRD CLAUSE, "AND THE ARRESTED INDIVIDUAL MAY BE HELD INDEFINITELY WITHOUT TRIAL WHILE THE EMERGENCY IS IN EFFECT."

5. PARA 11: SECOND SENTANCE, ADD "OR OFFICIALY ESTABLISHED GUIDELINES HAVE" AFTER OPENING WORD "CENSORSHIP" AND ADD "AND MAGAZINES" AFTER "NEWSPAPERS".

6. PARA 12: CHANGE TO READ: "THE RIGHT OF PEACEFUL POILITICAL ASSEMBLY HAS BEEN RESTIRCTED SINCE THE EMERGENCY WAS DECLARED AND MEETINGS OF OPPOSITION GROUPS DURING THE EMERGENCY HAVE BEEN SUBJECT TO SURVEILLANCE, CONTROL AND RESTRAINT."

7. DEPT MAY WISH TO NOTE THAT GOI HAS DENIED PERMISSION FOR AMNESTY INTERNATIONAL TO SEND REPRESENTATIVES TO CHECK INTO TORTURE OR TO OBSERVE TRAILS SUCH AS THOSE OF ANANDA MARGIS IN INDIA.

8. EMBASSY'S INTENT IN ABOVE CHANGES HAS BEEN AS FAR AS IS FEASIBLE TO REDUCE INCIDENCE OF DESCRIPTIVE ADJECTIVES AND POLITICAL ASSESSMENT AND LIMIT TEXT TO FACTUAL STATEMENTS. SAXBE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, US CONGRESSIONAL PRESENTATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976NEWDE14408
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760367-0785
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976098/aaaaagaf.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 240807
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 14 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 JUN 2004 by buchant0>; APPROVED <02 NOV 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORAMTION
TAGS: SHUM, MASS, IN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006